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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,777	11/09/2000	Robert D. Hayes	YOR920000503US1/IBM-0010	3454
23413 7590 03/18/2008 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER				
TARAE, CATHERINE MICHELLE				
ART UNIT		PAPER NUMBER		
3623				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ROBERT D. HAYES, EDWARD KOBEDA,  
JOHN S. MARESCA, and MICHAEL J. WHITNEY

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Appeal 2007-4041  
Application 09/711,777  
Technology Center 3600

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Decided: March 18, 2008

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Before JENNIFER D. BAHR, LINDA E. HORNER, and DAVID B. WALKER,  
*Administrative Patent Judges.*

HORNER, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final rejection of claims 1-5, 7-18, 20-23, 26-52, 54-65, 67-70, and 73-85, all the claims currently pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

## SUMMARY OF DECISION

We REVERSE.

### THE INVENTION

Appellants' claimed invention is directed to a method and system for dynamically providing materials and technology information to authorized system users (Spec. 1:6-8). Claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method for facilitating product development and procurement functions in a communications network environment, comprising:
  - receiving a request from a first enterprise system to contact a web site maintained by a second enterprise system;
  - said second enterprise system authenticating a user ID and password of a user of said first enterprise system;
  - in response to receiving a request to complete a survey, providing the first enterprise system with access to a survey form stored in a database that is replicated at the second enterprise system;
  - receiving response data solicited in the survey form; and
  - updating a database at the second enterprise system with the response data, the updating including storing the response data in one of a draft mode and a final mode designated by the first enterprise system;
- wherein said second enterprise system includes a development toolkit network tool for executing product development and procurement activities.

### THE REJECTIONS

The Examiner relies upon the following evidence in the rejections:

Aycock

US 5,765,138

Jun. 9, 1998

The following rejections are before us for review:

1. Claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70, and 73-85 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aycock.
2. Claims 15, 18, 37, 62, and 65 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Aycock.

### ISSUES

Appellants contend, *inter alia*, that Aycock's disclosure of downloading a request for proposal template file does not anticipate or render obvious the claimed invention because "[d]ownloading data, a file, or document is not equivalent to *database replication*" (Appeal Br. 13) (emphasis in original). The Examiner found that database replication is the process of "copying a portion of a database from one environment to another and keeping the subsequent copies in sync with the original source" (Answer 12).

The issues before us are:

1. Whether Appellants have shown that the Examiner erred in rejecting claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70, and 73-85 as being anticipated by Aycock.
2. Whether Appellants have shown that the Examiner erred in rejecting claims 15, 18, 37, 62, and 65 as unpatentable over Aycock.

### FINDINGS OF FACT

We find that the following enumerated findings are supported by at least a preponderance of the evidence. *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed.

Cir. 1988) (explaining the general evidentiary standard for proceedings before the Office).

1. Aycock teaches a system and method for analyzing supplier capabilities in order to qualify a supplier as a vendor for a project (Aycock, col. 1, ll. 6-8).

2. The system provides a supplier self-evaluations system that enables a supplier to respond to a request for proposal. The supplier self-evaluation system provides interactive access of product or systems specifications from a locally-stored or remote database, and enables the supplier to electronically transmit the supplier response file to the evaluator (Aycock, col. 4, ll. 7-19).

3. The supplier self-evaluation system comprises a request for proposal template file comprising the project requirements determined by the buyer, a plurality of specification files that include selected portions of standard specifications referenced in the request for proposal, a communication module enabling access to a remote database, and a word processing-based computer system having an access routine to selectively access the specification files and the remote database in response to user requests (Aycock, col. 4, ll. 21-31).

4. The access routine selectively accesses the local specification files and the communication software to provide information to a user operating the word processing system based on user requests for information (Aycock, col. 4, ll. 31-34).

5. In response to user inputs, the word processing-based system generates a vendor response file including the supplier responses to the

requirements identified in the request for proposal template file (Aycock, col. 4, ll. 34-37).

6. The supplier self-evaluation system includes a local database for use in responding to the request for proposal (Aycock, col. 12, l. 66 to col. 13, l. 1).

7. As the supplier provides responses to the questions during the self-evaluation/verification step 82, the supplier self-evaluation system generates a supplier response file. The supplier response file is implemented as a word processing-based document which is uploaded to the supplier evaluation system 60 (Aycock, col. 13, ll. 5-12).

8. Upon receiving the response file from the supplier, the main processing system 68 stores the response in the vendor database for later analysis by the end user of the business terminal system 70 (Aycock, col. 11, ll. 6-9).

9. Aycock fails to teach that the uploaded response file is used to update or sync the specification database or that the local database 110 is synchronized with any of the databases 62, 64, 66 of the main processing system.

10. Although Aycock discloses downloading a request for proposal template to a local database and uploading a supplier response file to the main processing system, Aycock fails to teach replicating a database.

11. The Examiner found database replication to be the process of “copying a portion of a database from one environment to another and keeping the subsequent copies in sync with the original source” (Answer 12).

12. Appellants’ Specification does not define the term database replication, nor does it utilize the term contrary to the Examiner’s interpretation.

## PRINCIPLES OF LAW

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 827 (1987).

“Section 103 forbids issuance of a patent when ‘the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.’” *KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734 (2007). The question of obviousness is resolved on the basis of underlying factual determinations including (1) the scope and content of the prior art, (2) any differences between the claimed subject matter and the prior art, and (3) the level of skill in the art. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). *See also KSR*, 127 S.Ct. at 1734 (“While the sequence of these questions might be reordered in any particular case, the [*Graham*] factors continue to define the inquiry that controls.”) The Court in *Graham* further noted that evidence of secondary considerations “might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” 383 U.S. at 17-18.

In *KSR*, the Supreme Court emphasized “the need for caution in granting a patent based on the combination of elements found in the prior art,” *id.* at 1739, and discussed circumstances in which a patent might be determined to be obvious. In particular, the Supreme Court emphasized that “the principles laid down in

*Graham* reaffirmed the ‘functional approach’ of *Hotchkiss*, 11 How. 248.” *KSR*, 127 S.Ct. at 1739 (citing *Graham*, 383 U.S. at 12 (emphasis added)), and reaffirmed principles based on its precedent that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.*

#### ANALYSIS

*Rejection of claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70, and 73-85 as anticipated by Aycock*

Appellants contend that Aycock fails “to disclose providing the first enterprise system with access to a survey form stored in a database that is replicated at the second enterprise system” (Appeal Br. 13). The Examiner interpreted database replication as the process of “copying a portion of a database from one environment to another and keeping the subsequent copies in sync with the original source” (Finding of Fact 11). Appellants’ Specification does not define the term database replication, nor does it utilize the term contrary to the Examiner’s interpretation (Finding of Fact 12). Appellants have not provided any evidence or arguments that the Examiner’s interpretation is incorrect or inconsistent with Appellants’ Specification. As such, we adopt the Examiner’s interpretation of database replication.

In rejecting claim 1, the Examiner found Aycock teaches database replication as claimed inasmuch as Aycock teaches “downloading an evaluation form from a database at the main processing system to a database in the supplier system, completing the evaluation form, and then uploading the completed



evaluation form from the supplier system database to the main processing system database so that the main processing system is updated and in sync with data from the supplier system database” (Answer 12). Appellants contend that “[d]atabase replication is a process that allows multiple copies of a database to be provided on different servers, whereas the process of downloading and uploading relates to the transmission of a file or document,” and argue that “a ‘database’ is not synonymous with a ‘document’ (i.e., supplier responses). Nor is ‘downloading’ equivalent to ‘replication’” (Reply Br. 3). We agree with Appellants.

Aycock teaches that its system provides a supplier self-evaluation system that enables a supplier to respond to a request for proposal. Although Aycock discloses downloading a request for proposal template to a local database (Finding of Facts 3 & 6) and uploading a supplier response file to the main processing system (Finding of Fact 7), Aycock fails to teach that the uploaded response file is used to update or sync the specification database (Finding of Fact 9). To the contrary, Aycock teaches that the supplier response file is uploaded and stored in the vendor database 64 for later processing (Finding of Fact 8). There is no disclosure in Aycock of synchronizing the local database 110 with any of the databases 62, 64, 66 of the main processing system (Finding of Fact 9). Therefore, Aycock fails to teach that the local database 110 is a replication of any of the databases 62, 64, 66 of the main processing system. As such, Aycock fails to disclose providing the first enterprise system with access to a survey form stored in a database that is replicated as claimed, and we cannot sustain the Examiner’s

rejection of claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63, 64, 67-70, and 73-8 as anticipated by Aycock.

*Rejection of claims 15, 18, 37, 62, and 65 as unpatentable over Aycock*

Claims 15, 18, 37, 62, and 65 each recite database replication in some form or another. As discussed above, Aycock fails to teach replicating a database (Finding of Fact 10). Nor has the Examiner provided any reasoning as to why one skilled in the art would have modified the teaching of Aycock to include database replication. As such, we cannot sustain the Examiner's rejection of claims 15, 18, 37, 62, and 65.

CONCLUSIONS OF LAW

We conclude the Examiner erred in rejecting claims 1-5, 7-14, 16, 17, 20-23, 26-36, 38-52, 54-61, 63-64, 67-70, and 73-85 as anticipated by Aycock and claims 15, 18, 37, 62, and 65 as unpatentable over Aycock.

DECISION

The Examiner's decision to reject claims 1-5, 7-18, 20-23, 26-52, 54-65, 67-70, and 73-85 is reversed.

REVERSED

vsh

Appeal 2007-4041  
Application 09/711,777

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